

REMARKS

Upon entry of the instant amendment, claims 1-9 are pending. A three month extension of time is requested herewith. The Commissioner is hereby authorized to charge any necessary fees to Deposit Account 50-1214. Claims 1, 8 and 9 have been amended to more particularly point out the applicant's invention. It is respectfully submitted that upon entry of the instant amendment, the application is in condition for allowance

CLAIM REJECTIONS – 35 U.S.C. § 112

Claims 8 and 9 were rejected under 35 USC § 112, first paragraph based upon the the term “play list. This term has been eliminated. Thus, this rejection should be obviated.

CLAIM REJECTIONS – 35 U.S.C. § 103

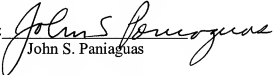
Claims 1-9 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al, U.S. Patent No. 6,697,944 (“the Jones et al patent”) in view of Birrell et al , et al., U.S. Patent No. 6,332,175 (“the Birrell et al patent”). It is respectfully submitted that the claims as amended recite a secure architecture for a computing platform that can be used to protect downloaded digital content even when the relationship between the computing platform and the playback device is a trusted relationship. The applicant agrees with the Examiner that the Jones et al patent discloses that the playback device can receive encrypted digital content and play it back. However, neither the Jones et al patent nor Birrell et al patent disclose or suggest a secure *hardware* architecture as recited in the claims . Rather, in the case of the Jones et al patent discloses an unsecure hardware architecture that passes the digital content to the playback device depending on the level of trust between the devices. As Jones et al clearly points out, when a high level of trust exists, decrypted digital content is passed to the playback device (“If the level of the trusted relationship is high, the digital content provider may transmit unencrypted digital

content to the portable device..." Abstract). As such, it should be clear that the Jones et al patent teaches away from a secure hardware solution as in the claims at issue.

The system recited in the claims at issue is analogous to the network illustrated in Fig. 2 of the Jones et al patent and includes a PC and a portable device configured, for example, to receive digital content over the Internet with a very important difference. With the software solution taught by the Jones et al patent, even during conditions when a trusted relationship exists the computing platform, i.e. PC, and the playback device, decrypted digital content is accessible at the PC. With the architecture recited in the claims at issue, decrypted digital content is never accessible at the PC –irrespective of the level of the trusted relationship between the PC and the playback device. Thus, the system recited in the claims at issue is an important improvement over the systems disclosed in the Birrell et al and Jones et al patents. For all of the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Respectfully submitted,

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Date: Feb 21, 2008

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